

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7064

13 **ALI ASSADI TEHRANI**
14 **1559 Grissom Street**
Thousand Oaks, CA 91362

DEFAULT DECISION AND ORDER

15 **c/o California Institute for Men**
16 **Ali Assadi Tehrani**
CDCR No. BR4902
17 **P.O. Box 441**
Chino, CA 91708

[Gov. Code, §11520]

18 **Pharmacy Technician Registration No.**
19 **TCH 133181**

20
21 Respondent.

22
23 **FINDINGS OF FACT**

24 1. On or about May 18, 2022, Complainant Anne Sodergren, in her official capacity as
25 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
26 Accusation No. 7064 against Ali Assadi Tehrani (Respondent) before the Board of Pharmacy.
27 (Accusation attached as Exhibit A.)

28 ///

2. On or about June 19, 2013, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 133181 to Respondent. The Pharmacy Technician Registration expired on May 31, 2021, and has not been renewed.

3. On or about May 18, 2022, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7064, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is:

1559 Grissom Street
Thousand Oaks, CA 91362
and
c/o California Institute for Men
Ali Assadi Tehrani
CDCR No. BR4902
P.O. Box 441
Chino, CA 91708.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c) and/or Business and Professions Code section 124.00

5. Government Code section 11506(c) states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 7064.

7. California Government Code section 11520(a) states, in pertinent part:

(a) If the respondent either fails to file a notice of defense . . . or to appear at

1 the hearing, the agency may take action based upon the respondent's express
2 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent

3 8. Pursuant to its authority under Government Code section 11520, the Board finds
4 Respondent is in default. The Board will take action without further hearing and, based on the
5 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
6 finds that the charges and allegations in Accusation No. 7064, are separately and severally, found
7 to be true and correct by clear and convincing evidence.

8 9. The Board finds that the actual costs for Investigation and Enforcement are \$3,398.75
9 as of June 24, 2022.

10 **DETERMINATION OF ISSUES**

11 1. Based on the foregoing findings of fact, Respondent Ali Assadi Tehrani has subjected
12 his Pharmacy Technician Registration No. TCH 133181 to discipline.

13 2. The agency has jurisdiction to adjudicate this case by default.

14 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
15 Registration based upon the following violations alleged in the Accusation which are supported
16 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

17 a. Business and Professions Code §§ 490, 4300, and 4301, subdivision (l), in
18 conjunction with California Code of Regulations, title 16, section 1770 [Conviction of
19 Substantially Related Crime];

20 b. Business and Professions Code §§ 4300 and 4301, subdivision (f) [Moral Turpitude];

21 c. Business and Professions Code §§ 4300 and 4301, subdivision [Unprofessional
22 Conduct];

23 **ORDER**

24 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 133181, issued to
25 Respondent Ali Assadi Tehrani, is revoked.

26 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
27 written motion requesting that the Decision be vacated and stating the grounds relied on within
28

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective at 5:00 p.m. on September 28, 2022.

4 It is so ORDERED on August 29, 2022.

5
6 BOARD OF PHARMACY
7 DEPARTMENT OF CONSUMER AFFAIRS
8 STATE OF CALIFORNIA

9 65227092.DOCX
10 DOJ Matter ID:LA2021604622

By



11 Attachment:
12 Exhibit A: Accusation

Seung W. Oh, Pharm.D.
Board President

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6371
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7064

13 **ALI ASSADI TEHRANI**
14 **1559 Grissom Street**
Thousand Oaks, CA 91362

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **133181**

Respondent.

17
18
19 **PARTIES**
20

21 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about June 13, 2013, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 133181 to Ali Assadi Tehrani (Respondent). On or about December
25 4, 2020, Respondent's Pharmacy Technician Registration was restricted from practice by court
26 order under the provisions of Penal Code section 23. The Pharmacy Technician Registration
27 expired on May 31, 2021, and has not been renewed.

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4
5 **STATUTORY PROVISIONS**

6 4. Section 118, subdivision (b), provides that the expiration of a license shall not deprive
7 the Board of jurisdiction to proceed with a disciplinary action during the period within which the
8 license may be renewed, restored, reissued or reinstated.

9 5. Section 490 provides that a board may suspend or revoke a license on the ground that
10 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
11 duties of the business or profession for which the license was issued.

12 6. Section 493 states:

13 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
14 the department pursuant to law to deny an application for a license or to suspend or revoke a
15 license or otherwise take disciplinary action against a person who holds a license, upon the
16 ground that the applicant or the licensee has been convicted of a crime substantially related to the
17 qualifications, functions, and duties of the licensee in question, the record of conviction of the
18 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
19 and the board may inquire into the circumstances surrounding the commission of the crime in
20 order to fix the degree of discipline or to determine if the conviction is substantially related to the
21 qualifications, functions, and duties of the licensee in question.

22 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
23 ‘registration.’”

24 7. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
25 revoked.”

26 8. Section 4300.1 states:

27 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by
28 operation of law or by order or decision of the board or a court of law, the placement of a license

1 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
2 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
3 proceeding against, the licensee or to render a decision suspending or revoking the license.”

4 9. Section 4301 states, in pertinent part:

5 “The board shall take action against any holder of a license who is guilty of unprofessional
6 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is
7 not limited to, any of the following:

8

9 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
10 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
11 whether the act is a felony or misdemeanor or not.

12

13 “(l) The conviction of a crime substantially related to the qualifications, functions, and
14 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
15 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
16 substances or of a violation of the statutes of this state regulating controlled substances or
17 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
18 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
19 The board may inquire into the circumstances surrounding the commission of the crime, in order
20 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
21 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
22 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
23 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
24 of this provision. The board may take action when the time for appeal has elapsed, or the
25 judgment of conviction has been affirmed on appeal or when an order granting probation is made
26 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
27 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
28 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or

1 indictment. . . .”

2 **REGULATORY PROVISION**

3 10. California Code of Regulations, title 16, section 1770, states:

4 “For the purpose of denial, suspension, or revocation of a personal or facility license
5 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
6 crime or act shall be considered substantially related to the qualifications, functions or duties of a
7 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
8 licensee or registrant to perform the functions authorized by his license or registration in a manner
9 consistent with the public health, safety, or welfare.”

10
11 **COST RECOVERY**

12 11. Section 125.3 provides that the Board may request the administrative law judge to
13 direct a licensee found to have committed a violation or violations of the licensing act to pay a
14 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

15
16 **FACTUAL ALLEGATIONS**

17 **First Attack**

18 12. On June 11, 2020, Ventura County Sheriffs responded to a report of battery at The
19 Habit, a fast food restaurant in Thousand Oaks. When Sheriffs arrived, they identified the victim
20 B.K., a transient male, as he was being treated by paramedics for a large laceration on his
21 forehead above his left eye. B.K. sustained the injury when he woke up to a “6’00, white male,
22 with short hair” dropping a large rock on his head.

23 13. Detectives investigated the location where the battery on B.K. occurred and identified
24 a 35-lb. bowling ball-sized rock with blood spattered on the pavement next to the bedding where
25 B.K. laid. Sheriffs collected the rock and booked it as evidence for testing.

26 14. Video surveillance footage showed a vehicle matching the Respondent’s vehicle, a
27 white sedan, parking in a lot as described by B.K. The driver is next seen exiting the vehicle and
28 walking towards the homeless encampment area where B.K. was stationed.

1 **Second Attack**

2 15. Sometime on or around June 17, 2020, B.M., a transient male was sleeping on the
3 ground when he heard footsteps approaching him. When B.M. removed his blanket to see who
4 was approaching, he saw a “white male” matching the Respondent’s description approximately
5 6’00” tall with dark hair standing over him with a large rock held up high, between his raised
6 hands.

7 16. As the Respondent dropped the rock, B.M. used his forearms to shield himself, which
8 resulted in an abrasion to his right forearm. The individual then ran away, got into a “white
9 sedan” and quickly drove off.

10 **Third Attack**

11 17. The following day, on or around June 18, 2020, B.M. woke up to the sounds of rocks
12 smashing into each other close to his head. When B.M. looked up, he observed Respondent
13 standing next to him, smashing one rock into another. Once identified, Respondent ran to the
14 parking lot, got into a white car and drove off.

15 **Fourth Attack**

16 18. On June 20, 2020 Ventura County Sheriffs responded to a report of battery and hit-
17 and-run collision with a cyclist causing injury near a homeless encampment.

18 19. When detectives arrived, they identified K.D., a transient male, who stated that a male
19 driving a “white Honda Civic” fled the scene after colliding with his bike in an adjacent parking
20 lot.

21 20. K.D. observed that prior to the collision, the driver was seen attempting to strike
22 C.K., another male transient, with “a large rock.” K.D. then mounted his bicycle and rode
23 towards the driver to prevent him from leaving the scene.

24 21. As the driver sped off, he collided with K.D. as a result of the front end of the vehicle
25 swinging into K.D.’s bicycle. K.D. sustained abrasions as a result.

26 22. Video surveillance footage of the incident corroborated K.D.’s account of the
27 incident.

28 ///

Identification of Respondent

23. On or around July 13, 2020, detectives identified Respondent handing a food item to a female transient before walking to a white Honda Civic, getting in and driving away.

24. The design and shape of the vehicle and rear end tail lights matched the vehicle seen on the security surveillance footage of the attack on June 20, 2020. As the vehicle got closer to the surveilling detectives, approximately 8 – 10 feet away, the front left wheel well bore a “significant dent / collision damage” consistent with the collision observed during the collision with K.D.’s bicycle on June 20, 2020.

25. Detectives confronted after he exited the parking lot wherein, Respondent denied hitting K.D., but admitted he was involved in a hit-and-run, that he suffers from schizophrenia which can impact his ability to safely operate his vehicle, that he has memory impairment and that on the night of the hit-and-run, he was “feeling stressed.”

26. On or around September 23, 2020, Sheriffs received Crime Lab DNA results from the rock seized as evidence during the attack on B.K. On September 28, 2020, a court order was issued authorizing the procurement of a DNA sample from the Respondent.

27. On October 18, 2020, the results from the DNA comparison between the DNA recovered from the rock used to attack B.K. and the DNA sample collected from the Respondent resulted in a finding that the DNA on the rock was “54.7 trillion times more likely to have come from [Respondent] and two unrelated, unknown persons rather than three unrelated, unknown individuals.” Accordingly, there was “very strong support” for inclusion of the Respondent.

28. On October 22, 2020, detectives made contact with the Respondent near a baseball field. The jacket he wore appeared identical to the jacket worn by C.K.’s attacker in the surveillance video. The Respondent gave detectives verbal consent to search his cell phone. On the date of the attack on B.K., the Respondent repeatedly texted his mother that he was “having an episode.” The Respondent was subsequently arrested.

///

///

///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially Related Crimes)**

3 29. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct, in that on or about January 6, 2022, in the criminal
6 proceeding entitled *The People of the State of California v. Ali Assadi Tehrani*, Superior Court of
7 California, County of Ventura, Case No. 2020030486, Respondent was convicted of three (3)
8 counts of violating Penal Code § 245(a)(1) [assault with a deadly weapon], a serious felony with a
9 great bodily injury enhancement and one count of violating Vehicle Code § 20001(a) [leaving the
10 scene of an accident]. Respondent was sentenced to a total of seven (7) years with the Department
11 of Corrections and Rehabilitation and ordered to pay restitution to victims in an amount to be
12 determined by further order of the Court. Respondent's driving privilege was revoked.
13 Complainant incorporates paragraphs 12 – 28 above as if fully set forth herein.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Moral Turpitude)**

16 30. Respondent is subject to disciplinary action under sections 4300 and 4301,
17 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
18 constituting moral turpitude. Complainant incorporates paragraphs 12 – 28 above as if fully set
19 forth herein.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct)**

22 31. Respondent is subject to disciplinary action under sections 4300 and 4301 on the
23 grounds of that Respondent committed acts constituting unprofessional conduct. Complainant
24 incorporates paragraphs 12 – 28 above as if fully set forth herein.

25 ///

26 ///

27 ///

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 133181, issued to Ali Assadi Tehrani;
2. Ordering Ali Assadi Tehrani to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/4/2022

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2021604622
65073536.docx